

# Why are Americans betraying our spies?

By John H. Chafee

In the past five years, certain Americans have made a profession of ferreting out the identities and — "legally" — publishing the names of American covert agents.

As a result, Richard S. Welch, the CIA station chief in Athens, was brutally murdered in 1975. Richard Kinsman, an employee at the U.S. embassy in Kingston, Jamaica, was fired upon last July. A few days later, a colleague, Jesse Jones of the U.S. Agency for International Development in Kingston, was threatened in another assassination attempt.

Welch's murder occurred within a month after he was identified as a CIA officer in the Athens Daily News. The information for the story came from Philip Agee's Counter-spy magazine which claimed to leak the names of 225 alleged CIA agents.

Since that revelation, Louis Wolf of the Covert Action Information Bulletin, the successor of Counter-spy, boasts he has disclosed the names of more than 2,000 alleged American intelligence officers stationed around the world.

Wolf also claims responsibility for revealing the names of 15 alleged CIA officers in Jamaica, their addresses, phone numbers, auto license numbers and car descriptions, leading to the assaults on Kinsman and Jones.

This "naming names" is intolerable. It must be ended before more harm comes to U.S. citizens engaged in government-approved programs abroad. Unfortunately, efforts to curb such outrageous activities have been met with criticism by some who feel that any effort to limit the freedom of speech and press will have a chilling effect on legitimate reporting.

In part, the First Amendment

states, "Congress shall make no law ... abridging the freedom of speech, or of the press ..." But it is clear this provision of the Bill of Rights is not absolute. There are exceptions.

The point was made clear by Supreme Court Justice Oliver Wendell Holmes in the classic Espionage Act decision of 1919 when he stated:

"The First Amendment ... obviously was not intended to give immunity for every possible use of language ... The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic."

Likewise, a line must be drawn when free speech interferes with the legitimate purpose of government.

Congress and the courts must draw that line, making every effort to balance two important social interests — public safety and the search for truth. Free speech should be sacrificed only when public safety is imperiled.

It is clear "naming names" imperils the public safety and serves no useful function in the search for truth.

For this reason, the Senate Intelligence Committee drafted and approved the Intelligence Identities Protection Act of 1980 (S. 2216) — a measure which carefully balances the search for truth with concern for public safety. This measure has received the full support of the Justice Department and the administration.

This act would not, as some critics argue, restrain criticism of American intelligence or foreign policy. It would, however, stop "naming names."

By requiring prosecutors to prove a pattern of activities intended to identify and expose covert agents, this bill carefully differentiates between the journalist who may inadvertently reveal the name of an agent in a news article and the person who makes it his purpose and business to reveal agents' names.

This measure criminalizes publishing names acquired from any source if a person knows that the U.S. government is taking affirmative measures to conceal an agent's intelligence relationship.

*Chafee is a Republican U.S. senator from Rhode Island. His statement was submitted by the Senate Republican Conference.*